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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/287,602	04/07/1999	DONG-SOO KIM	5480-00200	6496

7590

12/20/2002

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EXAMINER

TRAN, HIEN THI

ART UNIT

PAPER NUMBER

1764

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/287,602

Applicant(s)

KIM, DONG-SOO

Examiner

Hien Tran

Art Unit

1764

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 December 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** (check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - b) ☐ they raise the issue of new matter (see Note below);
  - c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☒ Applicant's reply has overcome the following rejection(s): 112 rej WRT claims 1-2, 13.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: of the same reasons set forth in the final office action.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: none.Claim(s) rejected: 1-21.Claim(s) withdrawn from consideration: none.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☒ Other: see attached sheets

Hien Tran  
Hien Tran  
Primary Examiner  
Art Unit: 1764

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 12/09/02 have been fully considered but they are not persuasive.

With respect to Applicant's argument regarding high and low temperatures is noted and therefore said rejection is withdrawn. However, it is still unclear as to what structural limitation applicant is attempting to recite in claim 6. Note that all of the structural elements have been recited in claim 1, e.g. a combustion chamber, a wetting chamber, an injection nozzle, and a guide plate for *directing the gas from the combustion chamber to the wetting chamber*. All that recitation in claim 6 is *preventing the gas in the combustion chamber from coming in contact with the gas in the wetting chamber*.

Applicant argues that none of the prior art teaches a gas scrubber with injection nozzle adapted to deliver a conditioned gas for minimizing the production and/or accumulation of a powder at an interface between the combustion chamber and the wetting chamber. Such contention is not persuasive as Hartung et al discloses an injection nozzle 19 a1 disclose an injection nozzle 19 for deliver water or absorbent for minimizing the accumulation of a powder/deposits at the interface of the pipe (col. 5, lines 11-15). Although the nozzle 19 delivers water or absorbent, such nozzle is capable of delivering other fluids, such as gas, provided that it is used for minimizing the accumulation of a powder/deposits thereof. It should also noted that the device by itself does not know what type of fluids, gas or liquid, is intended to be used therein. Note that "conditioned gas" is merely an intended use and the intended use is of no patentable moment in apparatus claims.

Applicant argues that Kim does not teaches a gas scrubber including an injection nozzle adapted to deliver a conditioned gas for minimizing the accumulation of a powder at the interface between the combustion chamber and the wetting chamber as recited. Such contention is not persuasive as the primary reference, Hartung et al, is relied upon for such teaching.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien Tran whose telephone number is 308-4253. The examiner can normally be reached on Tuesday-Friday from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0661.

HT  
December 19, 2002

*Hien Tran*  
**Hien Tran**  
**Primary Examiner**  
**Art Unit 1764**